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defendant, having induced people to trade with it on the representation that it maintained a New York office, is estopped from denying that fact for the purpose of avoiding a summons.

PERSONS—LIABILITY OF HUSBAND FOR WIFE'S CRIME.—The defendant's wife, with his knowledge, distilled and sold whiskey in their home. They were jointly charged with a violation of the liquor laws. Mich. Pub. Acts, 1917, Act 338, sec. 2, as amended by Pub. Acts, 1919, Act 53. The wife pleaded guilty. *Held*, that the defendant was guilty. *People v. Sybisloo* (1921, Mich.) 184 N. W. 410.

At common law the wife, in committing a crime in the presence of her husband, was presumed to do so under his coercion. *Cothron v. State* (1921, Md.) 113 Atl. 620. Because of the increased personal freedom of the wife, this presumption has been greatly weakened and in some cases destroyed. *King v. City of Owensboro* (1920) 187 Ky. 21, 218 S. W. 297, commented on (1920) 29 YALE LAW JOURNAL, 802. The instant case, however, does not rest on the presumption of coercion. The crime, being *malum prohibitum*, did not require the specific intent of the husband, and his liability was based on his position as head of the house, with authority to control its management. This appears to be the general rule as to criminal acts not *malum in se* committed by the wife in the home. Schouler, *Domestic Relations* (5th ed. 1895) ch. 2, sec. 50.

PROPERTY—ESTOPPEL—ACQUIESCENCE IN BUILDING OPERATIONS ON OWNER'S LAND.—The defendant erected a tenement house which, due to a mistake in the location of the division line, partly encroached upon the adjoining land of the plaintiff's intestate. The latter was repeatedly on the premises during the construction, but was unaware of the fact that the building was partly on his land. After the erection of the building the defendant enclosed more of the land with a fence, in the location of which the intestate acquiesced. The defendant at all times had access to the recorded deeds showing the boundary lines. *Held*, that the plaintiff should not be estopped from asserting his title to the land. *Monterosso v. Kent* (1921, Conn.) 113 Atl. 922.

In an estoppel with respect to the title to real property, an intent to deceive is required, or such gross negligence as would evidence such intent. *Battle v. Claiborne* (1915) 133 Tenn. 286, 180 S. W. 584; Pomeroy, *Equity Jurisprudence* (4th ed. 1918) sec. 807. It is the general rule that the doctrine of equitable estoppel cannot be applied when both parties know, or have the same means of ascertaining, the facts. *Powers v. Trustees of Grammar School* (1919) 93 Vt. 220, 106 Atl. 836; *Fellows v. National Can Co.* (1919, C. C. A. 6th) 257 Fed. 970; Pomeroy, *op. cit.* sec. 810.

WILLS—EFFECT OF CONVICTION OF DEVISEE FOR MURDER OF CO-DEVISEE.—A testator devised property to his wife and son equally and provided that if the wife predeceased the son, the entire property should go to the son. The latter was convicted of her murder and committed suicide. His widow brought an action to quiet title to the property. A statute provided that no person feloniously taking the life of another should inherit from such person or take anything by devise or legacy. Iowa Code Supp. 1913, sec. 3386. *Held*, that the murderer's widow should succeed to the entire estate. *In re Emerson's Estate* (1921, Iowa) 183 N. W. 327.

The decision is a strict interpretation of the statute. The deviser himself must have been murdered; the killing of one whose death merely enlarged the estate does not cause forfeiture. For a discussion of the general subject, see (1918) 27 YALE LAW JOURNAL, 964; (1919) 28 *ibid.* 514.